In the United States Patent and Trademark Office

In re the Application of:

Yen-Fu Chen	)
Serial Number: 10/692,173	)
Docket Number: AUS920030664US1	)
Filed on: 10/23/2003	)
For: "System and Method for Automatic	)
Information Compatibility Detection and	)
Pasting Intervention"	)

Group: 2173

Examiner: Haoshin Shih

REPLY BRIEF

(First Reinstatement of the Appeal)

Appellant has received and reviewed the Examiner's Answer dated October 26, 2010. Appellant also notes that an Advisory Action indicated entry of the after-amendment, and that the Examiner's Answer is supplemented regarding the rejection of Claim 12 by a Miscellaneous Letter from the Examiner dated November 5, 2010.

Withdrawn Rejections under 35 U.S.C. §112, Second Paragraph

It was indicated in the Examiner's Answer that the rejections under 35 U.S.C. §112, Second Paragraph, have been withdrawn in view of the entered after-final amendment. Appellant appreciates the entry and consideration of the amendment.

Grounds for Rejection

Commencing on page 3 and concluding on page 13 of the Examiner's Answer, the rationale for rejections appears to be a restatement of the same rational from the final rejections from which Appeal is made. Appellant sees no substantive changes, and the Examiner has not signaled any new grounds for rejection. If any substantial shifts in position or rationale are

presented in these paragraphs, Appellant respectfully requests the Examiner to point those out in a supplemental Examiner's Answer.

Appellant respectfully maintains all arguments against these reasons for rejection as set forth in the Appeal Brief and as set forth in previous replies to the Examiner.

Examiner's Response to Appellant's Appeal Brief Arguments

Commencing on page 13, the Examiner has responded briefly to the Appellant's arguments from the Appeal Brief by essentially restating that:

> From Pg. 13 of the Examiner's Answer:
>
> In response to Appellant's argument, Blish discloses that information items are selected from multiple locations are appended/concatenated (col.3, lines 42-45) to a clipboard table of content shared memory block (col.2, lines 53-57) in an entry containing at least the content to be copied (col.3, lines 38-41, lines 48-50, lines 60-64), wherein the concatenated information items are pasted to other designated location(s) (col. 1, lines 65-67).

This is the sum total of the Examiner's response to the Appellant's arguments. Regarding whether or not Blish *"discloses that information items are selected from multiple locations are appended/concatenated"*, the Examiner has not responded to Appellant's point that the relied-upon portion of Blish's disclosure does not append *"information items selected from multiple locations"*, but instead appends entries to a table of contents wherein the entries are descriptive about the information items to be copied, but the entries are not the information items themselves (emphasis added by Appellant in the following quotations).

Regarding the relied-upon Blish citation from column 2, lines 53 - 57, please note that this portion describes the overwriting problem of the prior art in which a second selected information item replaces and overwrites a previously-selected information item in the clipboard, thus there is no appending or concatenation of any sort, of course, because this is the very problem sought to be solved by both Blish and the Appellant. Please note that Blish's paragraph even starts with *"[c]urrently"* as if describing state of the current art (emphasis added by Appellant):

> Currently, <u>only one selection or cut/copy operation can be saved on the clipboard without overwriting sections previously saved. For example, if second section 19 is selected and</u>

> copied, first section 18 is erased from the clipboard. To implement a method of saving sections
> of a document to the clipboard without overwriting previously cut/copy operations, a history of
> every cut/copy operation must be kept in a shared memory block. When a new cut/copy
> operation is made, the shared memory block will be accessed for every pre-existing cut/copy
> operation. The selected data will be rendered on the clipboard along with the current operation as
> single cut/copy operation but each of the previous operations will rendered as a different user-
> defined clipboard type. In one embodiment of the present invention, the following program
> components were used to implement a multiple cut and multiple copy feature, without overwriting
> previous sections saved to the clipboard.

In this citation, one can readily see that Blish's approach is to keep a *"history of every
cut/copy operation . . . in shared memory"*, which is not the same as appending all of the selected
items together in the clipboard (e.g. Blish is appending entries about the selected items into their
Table of Contents instead).

Further, Blish clearly states here that the actual copying and pasting operations of the
multiple items are done individually and separately upon each of the information items to be
copied (*" . . . but each of the previous operations will rendered as a different user-defined
clipboard type"*). Please note that no terms such as *append* or *concatenate* are used in this
paragraph.

Regarding the relied-upon Blish citation from col. 3, Appellant notes that the Examiner
has not responded as to Appellant's challenge that a *"Table of Contents"* containing a *"history"*
of cut-and-paste operations, and which lists descriptive entries about information items to be
copied is not the same as concatenating the information items themselves together in a clipboard.

> 2. Create the Clipboard Table of Contents shared memory block (created on the first cut or copy,
> the name of the shared memory block is CLIPTOC) or append an entry for the cut or copy
> operation. The table of contents shared memory block contains three elements for each entry as
> follows:
> ClipboardFormatName-The name of the specified in step 1. Length 20 Bytes
> Format ID-The ID returned from RegisterClipboardFormat in Step 1. Length 4 Bytes
> ClipBoardFormat-The format of the data copied in the shared memory. For example if text was
> copied this entry would contain CF_TEXT.

Here, the Examiner has erroneously omitted consideration of Blish's own description of
what is in their Table of Contents, namely descriptive items about the information items to be

copied (name, format, etc.), but not including the information items themselves. Erroneously, the Examiner has interpreted Blish's Table of Contents to which entries are appended to anticipate concatenating the actual selected information items in a clipboard, which reads the Appellant's disclosure into Blish's disclosure inappropriately and without support or suggestion from the cited art. Blish is silent regarding appending or concatenating the selected information items together into a clipboard. Appellant respectfully submits that this is sufficient evidence of examination error to reverse the rejections.

Additionally, the Examiner has not justified or further explained why col. 4 from Blish's disclosure has not been considered when determining if Blish's process concatenates all selected information items into one information item and then pastes the concatenated item in a single operation, or whether Blish's process uses their Table of Contents to copy and paste each information item individually in multiple copy-paste cycles:

> Blish Col. 4:
>
> 4. **Call COleDataSource::DelayRenderData repeatedly for every clipboard format in which data is supplied**. Pass the clipboard format specified above and a FORMATETC structure describing the data. When the data is requested, the framework will call COleDataSource::OnRenderData, which must be overridden to read the clipboard table of contents shared memory block, find the format, open the shared memory named block that contains the data, retrieve and render it.
>
> To paste date into the application, the Paste Special Menu 36 option is used as illustrated in FIG. 3, which is used to paste OLE data using the OLE uniform data transfer (UDT), Data Objects, and Data Sources.

Whereas the Examiner has not responded to Appellant's challenge that *"[c]all COleDataSource::DelayRenderData repeatedly for every clipboard format in which data is supplied"* specifically teaches that each selected item is copied and pasted individually using the Table of Contents as a list of items to copy (as a *"history"* of the user's selections), Appellant respectfully requests the Board to accept the Examiner's silence as agreement or inability to counter this argument. Appellant respectfully submits that this is sufficient evidence of examination error to reverse the rejections.

Appellant Arguments To Which Examiner Did Not Respond

Regarding Appellant's referral to the examination history in which the Examiner appears to disagree with the Examiner's own previous holdings without explanation, there appears to be no response by the Examiner in the Examiner's Answer.

Regarding Appellant's argument that the Examiner has incorrectly used the term *"collected/copied/appended/concatenated"* with respect to Blish's disclosure because the terms *"collected"* and *"concatenated"* do not appear anywhere in Blish's disclosure and because the term *"append"* only appears with respect to adding entries to their Table of Content, there appears to be no response by the Examiner in the Examiner's Answer.

Regarding Appellant's interpretation of Blish's disclosure according to Blish's claims that their process clearly pastes one selected item at a time, explicitly stating *"one and only one"* in multiple places in the claims, and that without such an issued claim enablement may not be presumed, there appears to be no response by the Examiner in the Examiner's Answer.

For these reasons, Appellant respectfully submits that the final rejections of Claims 16, 17, and 18 under 35 U.S.C. §103(a) over Apperley in view of Blish, and that the final rejections of Claims 1 - 15 over Apperley in view of Blish, in further view of Stern, in still further view of Tomm, and in yet further view of Tsuji is erroneous for several reasons:

(a)   Appellant's disclosure has been improperly read into the Blish disclosure in conflict with the technical details of how Blish's copying process is described;

(b)   Blish fails to teach concatenating several selected items together in a single clipboard but instead teaches creating a list of items for copying and subsequently pasting one and only one item at a time until all items on their list have been copied; and

(c)   Blish does not claim concatenation of several selected items together in a single clipboard, and thus, the presumption of enablement is not properly afforded to Blish's disclosure with respect to this process for copying multiple selected items.

Summary

  For the foregoing reasons, Appellant respectfully submits that several errors in examination have occurred, and that all pending claims are patentenbly distinct over the cited art. Reversal of all rejections is respectfully requested.

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Respectfully,
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